

CITY OF KINGSTON

Common Council

commoncouncil@kingston-ny.gov

James Noble, President



Bill Carey, Majority Leader
Deborah Brown, Minority Leader

Laws and Rules Agenda January 26, 2017 – 6:30pm

1. 300 Flatbush Avenue Recommendations
2. Resolution requested regarding Pilgrim Pipeline
3. Ulster County SPCA Contract
4. Proposed Sidewalk Code Language
5. Change in Notification Process for Zoning Board
(Old Business)

F.E.D.
L+E
5.

CITY OF KINGSTON
Historic Landmarks Preservation Commission
ttiano@kingston-ny.gov

Steven T. Noble, Mayor



Deputy Chief Tom Tiano, Secretary

December 9, 2016

To Chairperson Eckert & the members of the Laws and Rules Committee:

We appreciate the opportunity to submit our recommendation regarding the zoning change for 300 Flatbush Avenue. The Historic Landmarks Preservation Commission recommends to the Laws and Rules Committee that the zoning of the property needs to be changed as it is currently obsolete and that the Laws and Rules Committee hold the determination regarding what is the appropriate zone for the property pending SEQR and site plan review by the City Planning Board.

Sincerely,

Yuriy Doňskoj, by/TH
Yuriy Doňskoj, HLPC Chairman

11A
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CITY OF KINGSTON

Office of Planning

planning@kingston-ny.gov

Suzanne Cahill, Planning Director



Steven T. Noble, Mayor

December 27, 2016

Common Council
City of Kingston
420 Broadway
Kingston, NY 12401

Dear Ald. Eckert:

Re: #300 Flatbush Avenue, Ward 6, (SBL 48.74-3-14.100)
RECOMMENDATION – Rezoning Petition

This is to advise that at the December 12, 2016 Planning Board Meeting, the Board voted unanimously to recommend that the City of Kingston Common Council rezone the property located at 300 Flatbush Avenue. The Board agreed that the current zoning of RR – single family residence, is not appropriate for the site or for any adaptive re-use. At this time, the Board did not endorse that the zone be changed to R-6 Multiple Residence as petitioned by RUPCO, only that the Council should explore options for changing the zone to a district that is conducive to the location and the site. The Board also requested that the Common Council hold the decision in abeyance until the SEQR review is complete.

Please contact our office with any questions.

Sincerely,

Suzanne Cahill (KH)

Suzanne Cahill
Planning Director

Cc: S. Noble, Mayor
Ald. at Large J. Noble, Pres. Common Council
W. Platte, Chairman, Kingston Planning Board
D. Gartenstein, Assist. Corp Counsel
K. O'Connor, Exec. Director RUPCO
M. Moriello, Esq, Risely and Moriello
Ald. T. Davis, Ward 6

Winnie, Carly

L & R
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From: Noble, James
Sent: Wednesday, January 04, 2017 9:12 PM
To: Winnie, Carly
Subject: Fwd: UCPB Comments on 300 Flatbush
Attachments: 2016-227.pdf; ATT00001.htm

Carly Please add to the L&R committee. Thank you. Jim

Sent from my iPhone

Begin forwarded message:

From: "Cahill, Suzanne" <scahill@kingston-ny.gov>
Date: December 28, 2016 at 3:24:07 PM EST
To: "Haber, Kyla" <khaber@kingston-ny.gov>
Cc: "Gartenstein, Daniel" <dgartenstein@kingston-ny.gov>, "Eckert, Lynn" <leckert@kingston-ny.gov>, "Noble, James" <jnoble@kingston-ny.gov>
Subject: FW: UCPB Comments on 300 Flatbush

FYI - Here are the UCPB comments on the rezoning petition for 300 Flatbush.

Suzanne Cahill, Planning Director
City of Kingston
City Hall - 420 Broadway
Kingston, New York 12401
Phone (845) 334-3955
Fax (845) 334-3958
Email - scahill@kingston-ny.gov
Web - www.kingston-ny.gov

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Please consider the environment before printing this email.

From: Marianne Davis [<mailto:mdav@co.ulster.ny.us>]
Sent: Wednesday, December 28, 2016 11:55 AM
To: Gio Gagliardi <giog@aol.com>; Cahill, Suzanne <scahill@kingston-ny.gov>
Cc: Winnie, Carly <cwinnie@kingston-ny.gov>
Subject: UCPB Comments on 300 Flatbush

UCPB Comments on 300 Flatbush



RECOMMENDATION

Carly Winnie, City Clerk
City of Kingston
420 Broadway
Kingston, NY 12401

REFERRAL NO: 2016-227
DATE REVIEWED: 12/7/2016

Re: 300 Flatbush – Zoning Map Amendment

Summary

This is a proposal to rezone a 14.86 acre parcel located at 300 Flatbush Avenue in the R-2 (single-family) zoning district to R-6 (multi-family). The request for rezoning is the result of applicant's proposal to renovate an existing structure for use as apartments and to construct a second apartment building. All units in the proposed project are slated to serve low and moderate income households.

The following materials were received for review:

- UCPB Referral Form
- Memo from Common Council President James Noble to the City of Kingston Planning Board, 11/15/16
- Petition for rezoning dated 10/28/16
- Property Deed
- Parcel Map
- Zoning Map
- Description of Lands
- Agreement for Purchase and Sale Deal of Property
- Application for special permit or site plan review
- Project narrative
- Additional Notifications
- Letter of Authorization
- Full EAF Part One
- SEQRA/Permitting Addendum
- Reduced scale property map
- Draft SEQRA Notice of Intent to Serve as Lead Agency

Discussion

This property was originally owned by Ulster County and housed the offices of the County Health Department among others. Ulster County has declared the property to be surplus and transferred ownership to the Ulster County Economic Development Alliance (UCEDA), a local development corporation, so that it could be sold. As part of this repurposing of the site both the County Legislature and the City of Kingston moved to protect the existing structure on the site, the so called Alms house, from being demolished. The County Legislature passed a resolution urging its inclusion on the National Register of Historic Places and the City of Kingston gave local landmark status to the building to prevent demolition unless approved by the City. Currently UCEDA is in contract with RUPCO for the sale of the building. RUPCO is currently seeking national historic designation of the building with the required support from UCEDA, as current owner.

During the years of County ownership, little attention was paid to the underlying residential zoning (RR) zoning of the site as the County relied on its immunity from local land use controls granted to governmental uses prior to the balance of public interest tests associated with *Matter of County of Monroe v City of Rochester*, 72 N.Y.2d 338, 533 N.Y.S.2d 702.

During the time of County ownership rezoning and annexations to allow commercial development took place on corners fronting the property. The overall result is that the current zoning is inappropriate both for the site as a whole and in the context of the now landmark structure that it houses. RUPCO's petition to rezone to establish an R-6 multi-family designation would expand the R-6 zoning that exists along the western portion of the site. The R-6 zoning allows multi-family residents and also provides for limited commercial uses that include professional offices and restaurants. The R-6 District is essentially a mixed use district with a focus on housing.

Recommendations

Current Zoning Inappropriate and Reference the Comprehensive Plan

The City should recognize that current zoning is no longer appropriate in the context of changes in the surrounding areas to commercial zoning, the now landmark status of the existing building, and the site being offered for sale to the private sector. Accordingly, the Ulster County Planning Board (UCPB) does believe that rezoning for the area is appropriate. The site would seem to be a natural extension of the existing R-6 district that adjoins its western boundary. Rezoning associated with single parcels and especially when part of a petition by an applicant should be grounded within the Comprehensive Plan to avoid "spot zoning" and to ensure the integrity of the Plan and the proposed zoning scheme as a whole. As noted above, the R-6 zoning can be viewed as a "mixed use zoning district" with a focus on housing. The current comprehensive plan includes "*Strategy 1.1.5: Abandon Mixed-Use Overlay District in favor of City-wide standards for adaptive reuse and affordable housing.*" This strategy argues that the City find a way to accommodate mixed uses while at the same time promoting adaptive reuse and affordable housing. Toward that end, the R-6 district accomplishes much of what is in Strategy 1.1.5, and given its proximity to the site, the historic nature of the structure on it, and the project as proposed by RUPCO, may be seen as offering support for the establishment of the R-6 District for this property.

Required Modification

The City in making its decision of rezoning as requested in the petition by RUPCO should find support within the policies and recommendations in the recently adopted City's Comprehensive Plan. Strategy 1.1.5 offers that opportunity to build this case as it relates to the R-6 district and the uses proposed by RUPCO.

State Environmental Quality Review

The petition for the rezoning is part of a project proposal that is currently before the City Planning Board as well as Common Council. Included in the submittal to the UCPB was a draft notice of intent to allow the City planning board to serve as lead agency and Part One of a full environmental assessment form. That the rezoning is tied to the specific project as proposed by RUPCO will require that the SEQRA process be completed prior to any approval of a rezoning by the City. The UCPB notes that the City may decide to no longer consider the rezoning without completion of SEQRA.

Required Modifications

The SEQRA review process will need to be completed prior to any approval action by the City on the rezoning. To the extent that additional information is requested or considered as part of the SEQRA process, a new referral to the UCPB should be made to ensure that the City has complied with the full statement requirements found in General Municipal Law.

Reviewing Officer



Robert A. Leibowitz, AICP
Principal Planner

FINAL ACTION REPORT FORM



Per GML 239-m and -n FINAL ACTION REPORTS ARE
REQUIRED TO BE SUBMITTED WITHIN THIRTY DAYS
AFTER FILING

Complete the local agency final action box, add the local file
number, include any required submittals, and sign the form

Name of Project: 300 Flatbush

Referral Number: 2016227

UCPB Decision: Required Modifications

Local Agency Final Action:

☐ Approve ☐ Disapprove

Member Vote: Yes: ☐ No: ☐

- ☐ County Planning Board Decision -
Reviewed no County Impact
- ☐ Concurs with County Planning Board
Modifications or Disapproval
- ☐ Contrary to County Planning Board
Modifications or Disapproval (see
required submittals if checked)

☐ Required Submittals Attached

☐ Resolution Attached

Local Officer: _____

Date: _____

Required Submittals:

Within thirty days after final action, the referring body must file a report of the final action it has taken with the UCPB. A referring body that acts contrary to a recommendation of modifications or disapproval of a proposed action shall set forth the reasons for the contrary action in such report attached to this form.

Local File Number: 300 Flatbush

Municipality: Kingston City

Referring Agency: Local Governing Body

Type of Referral: Amend Zoning Map

Name of Applicant: RUPCO

Project Location: 300 Flatbush

Description: Petition to rezone 14.86 acres of improved lands from RR to R-6 zoning (2-family to multi-family)

~ For Ulster County Planning Board Use Only ~

Local Board Decision:

Original Date Received: 11/18/2016

Original Review Date: 12/7/2016

Final Action Date Received:

Status: Reviewed

Return Form to:

Referral Officer
Ulster County Planning Board
Box 1800 Kingston, N.Y. 12402

Need Help? Telephone: 340-3340

Form Revised 09/26/2000 UCPB

UCPB Date Stamp

REFERRAL RESPONSE



ULSTER COUNTY PLANNING BOARD

General Municipal Law of New York State

Article 12B

Sections 239-1 and 239-m

Referral Number

2016227

Municipality Kingston City
Referring Agency Local Governing Body
Type of Referral Amend Zoning Map

Local File Number

300 Flatbush

Name of Applicant RUPCO
Name of Project 300 Flatbush
Project Location 300 Flatbush
Description Petition to rezone 14.86 acres of improved lands from RR to R-6 zoning (2-family to multi-family)

UCPB Decision

Required Modifications

See Attachments



Referral Officer

Representing the Ulster County Planning Board

Date Received 11/18/2016

Date Reviewed 12/7/2016

Form Date 12/8/2016

Status Reviewed

Resolution to Create an Alms House Property Development Task Force

WHEREAS, 300 Flatbush Avenue, Kingston, New York (section/block/lot no.: 48.074-3-14.100), build circa 1872, is also known as the Kingston City Alms House; and

WHEREAS, the Alms House and the property associated with it is considered one of the entrances to the City of Kingston; and

WHEREAS, any development taking place at an entrance to a municipalities has significant long term effects on said community; and

WHEREAS, the Alms House and property has significant historical, social, environmental and economic value to the City of Kingston and the surrounding community; and

WHEREAS, the development of said property will have significant effects on the character of the immediate neighborhood, the City of Kingston and/or the greater Kingston area; and

WHEREAS, the Ulster County Legislature voted unanimously on Resolution No. 295 September 15, 2015 introduced by Legislator David Donaldson of Kingston to support the inclusion of 300 Flatbush Avenue, Kingston, New York in the State and National Registers of Historic Places; and,

WHEREAS, The Alms House and property associated with it was owned by the County of Ulster; and

WHEREAS, Resolution No. 221, June 17, 2014, “ Authorizing The Required Steps For The Transfer Of Real Property Located At 300 Flatbush Avenue And Additional Real Property Located In The Town Of Ulster”, was requested by the County Executive; and

WHEREAS, Pursuant to the Rules of the Ulster County Legislature requiring Legislators to introduce legislation, resolution 221 of June 17, 2014 was introduced by Legislators Richard A. Gerentine representing the Town of Marlborough and Tracey A. Bartels representing the Town of Gardiner and Town of Shawangunk; and

WHEREAS, Ulster County Resolution 221 of 2014 was used as an authorization for the county to transfer said property to a local development corporation (LDC), created by the county executive to market and sell the property; and

WHEREAS, there was no input in regard to said transfer from County Legislators representing the City of Kingston, the Common Council of the City of Kingston, or its boards and/or agencies; and

WHEREAS, it is written in Ulster County resolution 221 of 2014 that, “Section 1411 of the Not-For-Profit Corporation Law of the State of New York (the “LDC Act”) authorizes the establishment of not-for-profit local development corporations operated exclusively for the

charitable or public purposes of relieving and reducing unemployment, promoting and providing for additional and maximum employment, bettering and maintaining job opportunities, instructing or training individuals to improve or develop their capabilities for such jobs, carrying on scientific research for the purpose of aiding a community or geographical area by attracting new industry to the community or area or by encouraging the development of, or retention of, an industry in the community or area, and lessening the burdens of government and acting in the public interest"; and

WHEREAS,, it is further written in resolution 221of 2014 that the County of Ulster authorized the undertaking of the Disposition, including transfer of title and/or a leasehold of up to ninety-nine years, to the Properties together with any necessary fixtures attached to or contained therein, to the Ulster County Local Development Corporation (LDC) pursuant to a deed to be approved by the County Attorney (the "Deed"); and

WHEREAS, the use of said transfer was reported by the county as being better for listing the sale by bypassing or avoiding certain state and county regulations for sale of county owned property and by taking advantage of the Not-For-Profit Corporation Law of the State of New York (the "LDC Act"; and

WHEREAS, the transfer of said property was done without input from the neighbors, City of Kingston Common Council, the various boards and/or agencies of the City, and the greater Kingston community; and

WHEREAS, the bid process, the marketing of the property and the bid award for the Alms House and property was done without input from the neighbors, City of Kingston Common Council, the various boards and/or agencies of the City, and the greater Kingston community; and

WHEREAS, there has been a lack of transparency in regard to any discussion by the Ulster County Local Development Corporation (LDC) of possible uses and the marketing of said property; and

WHEREAS, the City of Kingston was given no representation on the Ulster County Local Development Corporation (LDC); and

WHEREAS, in order to carry out the intentions of "Section 1411 of the Not-For-Profit Corporation Law of the State of New York (the "LDC Act") there should be a thoughtful, open and transparent dialog; and

WHEREAS, there is a request to change the zoning for The Alms House and property before the Common Council of the City of Kingston; and

WHEREAS, changes to the zoning should require a full revue of opportunity costs, possible tax revenues or pilots in lieu of taxes, as well as alternatives for other revenue for the City, the historical, social, economic and environmental effects on the City and the character of the neighborhood.

THEREFORE LET IT BE RESOLVED, The Mayor and Alderman at Large will create an Alms House Property Development Task Force to examine all possible uses for property with the understanding that the building has historical, social, economic and environmental significance to the Kingston Community; and

FURTHER RESOLVED, that the Alms House Property Development Task Force will be made up of various stake holders to assure that the best use for said property is vigorously pursued; and

FURTHER RESOLVED, the Alms House Property Development Task Force shall consist of,

- 1 advocate of affordable housing chosen by the mayor,
- 1 alderman chosen by the alderman at large or their designee,
- 1 county legislator chosen by the alderman at large or their designee,
- The mayor or his designee,
- The Alderman at large or his designee,
- 2 members representing the County of Ulster, one chosen by the mayor, one chosen by the Alderman at Large,
- Up to 3 members from the Kingston business community chosen by the mayor,
- 1 member involved in the sale or development of real estate chosen by the Alderman at Large,
- 1 member of the Kingston School Board chosen by the alderman at large,
- 1 member from organized labor chosen by the mayor; and

FURTHER RESOLVED, that the Alderman at Large will select one person from the Alms House Property Development Task Force to serve as the Chairman until the time the task force meets and selects a Chairman from within or from outside the appointed members; and

FURTHER RESOLVED, the task force will report to the Common Council, Mayor and the Ulster County Local Development Corporation their recommendations within 6 months after they first meet unless a extension is granted by the Common Council; and

FURTHER RESOLVED, that a copy of this resolution shall be sent to the Governor of New York State, the Assemblyman and State Senator representing the City of Kingston, the Ulster County Executive, the Clerk of the Ulster County Legislature, and the Legislators representing the City of Kingston in the Ulster County Legislature

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CITY OF KINGSTON

Office of the Mayor

mayor@kingston-ny.gov

Steven T. Noble
Mayor



January 9, 2017

Honorable James Noble, President
City of Kingston Common Council
420 Broadway
Kingston, N.Y. 12401

Dear President Noble,

As you know, the City is an involved agency for purposes of the State Environmental Quality Review Act (SEQRA) for the Pilgrim Pipeline project. This involvement gives the City of Kingston the opportunity to outline impacts and gather information in the scoping process of the Pilgrim Pipeline project. Further, within the City of Kingston, there are two potential Environmental Justice Areas according to the NYSDEC. NYS DEC's Environmental Justice (EJ) Policy (Commissioner Policy-29) is designed to ensure that minority and low-income communities, like ours, play a meaningful role in NYS DEC's permit review processes. This Policy, therefore, would encourage and enable Kingston residents and other residents of EJ communities to become involved in the Pilgrim Pipeline's SEQRA scoping and review process as early as possible. Under Commissioner Policy 29, an enhanced public participation plan is to be developed that must, at a minimum, (1) identify stakeholders, including nearby residents, local elected officials, community-based organizations, and community residents; (2) provide for distribution and posting of written information on the proposed action and permit review process; and (3) provide for public information meetings to keep the public informed about the proposed action and permit. The City of Kingston is not currently identified by Pilgrim Pipelines LLC as a potential EJ community and therefore is not part of an enhanced public participation plan.

Per the attached DRAFT resolution, I respectfully request the Common Council to request the NYSDEC to postpone releasing the Pilgrim Pipeline draft scoping document until Pilgrim Pipeline has implemented an approved public participation plan under CP-29 for the City of Kingston and for all other EJ communities affected by Pilgrim Pipeline.

Thank you for your prompt attention to this important matter.

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read "Steven T. Noble".

Steven T. Noble
Mayor

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF KINGSTON, NEW YORK REQUESTING THAT THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION (NYS DEC) AS CO-LEAD AGENCY REQUIRE SUBMISSION AND IMPLEMENTATION OF AN ENHANCED PUBLIC PARTICIPATION PLAN UNDER CP-29 FOR THE CITY OF KINGSTON AND ALL OTHER POTENTIAL ENVIRONMENTAL JUSTICE AREA COMMUNITIES IDENTIFIED AS POTENTIALLY AFFECTED BY THE PILGRIM PIPELINE PROJECT PRIOR TO THE COMMENCEMENT OF SCOPING UNDER SEQRA.

Whereas, the City of Kingston is one of 29 municipalities in the State of New York identified as 'Involved' agencies for purposes of the State Environmental Quality Review Act (SEQRA) for the Pilgrim Pipeline project, which gives the City of Kingston the opportunity to outline impacts and gather information in the scoping process of the Pilgrim Pipeline project; and

Whereas, the dramatic increase in the amount of crude oil transported on the railroad that transects our city has the potential for a profound and detrimental effect upon our environment and the health and safety of our residents; and

Whereas, the addition of a crude oil pipeline through a portion of our City will only exacerbate the effects and risks; and

Whereas, within the City of Kingston there are two potential Environmental Justice Areas according to the NYSDEC and besides the threat to the health and safety to all residents of Kingston including the EJ areas there are parishioners of the Pointe of Praise Church, a community-based organization whose building is in direct proximity to the proposed Pilgrim Pipeline in Kingston, who reside in one or the other of the potential Environmental Justice Areas; and

Whereas, the NYS DEC's Environmental Justice (EJ) Policy (Commissioner Policy-29) is designed to ensure that minority and low-income communities, like ours, play a meaningful role in NYS DEC's permit review processes and the NYS DEC's application of SEQRA as early as possible. CP-29 recognizes that our community has been disproportionately affected by adverse environmental impacts, identifies the City of Kingston as a potential environmental justice area, and, also requires that any applicant for a major project must "submit a written public participation plan as part of its complete application;" and

Whereas, it is our intention to engage the citizens of Kingston, NY in the Pilgrim Pipeline's SEQRA scoping and review process; and

Whereas, in anticipation of the soon-to-begin SEQRA scoping process for Pilgrim Pipeline it would appear that unless there is an enhanced public participation plan approved and in place before the release of the draft scope, it will be difficult to engender meaningful and timely EJ community engagement during the 60-day period between release of the draft and completion of the final scope; a key information gathering time. Waiting to implement a public participation plan during or after scoping will largely nullify the most effective aspiration of CP-29, which is to involve an EJ community as early as possible in the review process; and

Whereas, according to Commissioner Policy 29, to ensure meaningful and effective public participation, the policy requires applicants for permits covered by the policy to actively seek public participation throughout the permit review process. Applicants (i.e. Pilgrim Pipeline) are encouraged to consider implementing the public participation plan components *prior to application submission*. (emphasis added); and

Whereas, according to Commissioner Policy 29, the public participation plan must, at a minimum, (1) identify stakeholders, including nearby residents, local elected officials, community-based organizations, and community residents; (2) provide for distribution and posting of written information on the proposed action and permit review process; and (3) provide for public information meetings to keep the public informed about the proposed action and permit.

NOW THEREFORE BE IT RESOLVED that the Common Council of the City of Kingston requests the NYSDEC to postpone releasing the draft scope until Pilgrim Pipeline has implemented an approved public participation plan under CP-29 for the City of Kingston and for all other EJ communities affected by Pilgrim Pipeline.

BE IT FURTHER RESOLVED that the City Clerk forward copies of this resolution to:
Basil Seggos, Commissioner Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-1750
Bill Finch, Acting Executive Director of Thruway Authority, 200 Southern Boulevard, PO Box 189, Albany, NY 12201-0189

FURTHER RESOLVED, that this resolution shall take effect immediately.

L4A 23

CITY OF KINGSTON

Office of the Mayor

mayor@kingston-ny.gov

Steven T. Noble
Mayor



January 10, 2017

Mr. James L. Noble, Jr.
Alderman-At-Large
President of the Common Council
420 Broadway
Kingston, NY 12401

Re: New Proposed Sidewalk Code Language

Dear President Noble,

This is a request for placement on the agenda of the next appropriate Committee to consider the recommendations for new code regulations regarding sidewalks. These recommendations were brought forth to me by the Complete Streets Advisory Council (CSAC), which voted to recommend the changes in code to the City at their meeting on December 20th, 2016. I have reviewed the code and followed the process that took place to develop it, and I recommend that the Common Council consider adopting this new code language.

The Complete Streets Advisory Council formed a sidewalk taskforce several years ago to seek policy solutions that will address the conditions of our sidewalks. In the past year, with grant support from the American Planning Association to Cornell Cooperative Extension of Ulster County, an intern from the Bard Center for Environmental Policy Masters Program who had many years of experience as a landscape architect and familiarity with American with Disabilities (ADA) regulations for sidewalks was hired to assist with writing the new proposed code.

The sidewalk taskforce met monthly throughout 2016 along with the intern, and several CSAC and community members as well as city staff attended the meetings. The new code has been reviewed by the Engineering, Economic Development, Planning, Fire, and Building Departments as well as the Department of Public Works.

The proposed language will bring our code up to date to meet the ADA standards for sidewalks. Title II of the ADA requires State and local governments to make their programs accessible to persons with disabilities. These proposed code changes are one step towards our city complying with the ADA. The ADA requires that cities with more than 50 employees have an ADA Transition Plan for facilities that don't accommodate people with disabilities. In 2017, an ADA Coordination Team consisting of key city staff will develop this ADA Transition Plan.

This proposal focuses on changes in the standards and technical aspects of sidewalk construction and rehabilitation. It recommends some essential changes to be made to the maintenance section at the end of the document. The sidewalk taskforce of the CSAC continues to work on another proposal for a better maintenance plan, which they will recommend later in 2017.

Thank you for your attention to this proposal and our efforts to improve sidewalks, ADA access, and walkability in the City of Kingston. We look forward to presenting this concept to the Laws & Rules Committee. We will come back next month to answer any questions that may arise.

Respectfully Submitted,

Steven T. Noble
Mayor

GENERAL REFERENCES

Definitions

As used in this chapter, the following terms shall have the meanings indicated.

1. ADA 2010. Americans with Disabilities Act Standards for Accessible Design. Also may refer to The Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities (ADAAG) as supplemented by the 2011 Proposed Public Right-of-Way Accessibility Guidelines (PROWAG) for Pedestrian Facilities.
2. **PERSON.** An individual, partnership, corporation, association, joint stock company, trust, any unincorporated organization or a government or political subdivision thereof.
3. **SIDEWALK.** The area on each side of the road from the property line to the gutter line or, if there is a curb, to the roadway side of the curb.
4. **STREET.** Includes, but is not limited to, roads, gutters, driveways which lead into roads and curbs and sidewalks adjacent to roads.

Guidelines

As described in the New York State Department of Transportation (NYSDOT) Highway Design Manual, Chapter 18, Pedestrian Facility Design Revision 83, designers should provide sidewalks when adjacent land use includes pedestrian generators and destinations within close proximity to one another, and/or where municipal or Regional/Metropolitan Planning Organization (MPO) transportation studies indicate the need for pedestrian facilities. The need for sidewalks should be evaluated according to the Capital Projects Complete Streets Checklist and documented in all Project Scoping Reports and Design Reports (see NYSDOT Highway Design Manual Chapter 18).

To plan the location of new sidewalks, designers should refer to the City of Kingston Comprehensive Plan, the Capital Projects Complete Streets Checklist, including the logical terminus principle, and consult with the City of Kingston Building Department and/or Planning Board. Specifically, the Kingston Comprehensive Plan 2025 provides guidelines and goals in regards to sidewalks for differing districts within the city. It should be noted that pedestrian facilities constructed under the terms of highway work permits must adhere to the NYSDOT Highway Design Manual. Sidewalks should be terminated by an accessible route connecting the sidewalk to the roadway shoulder or an existing pedestrian facility.

“Green streets” guidelines, including stormwater management Best Management Practices (BMPs), as described in the City of Kingston Comprehensive Plan Strategies 5 and 7, should be reviewed for potential implementation whenever new sidewalks are installed or when repairs or renovations to more than 50 percent of existing sidewalk along a property are made.

Existing, deteriorated, or non-accessible sidewalks (those not meeting the minimum requirements of current ADA 2010/ ADAAG standards) shall be rehabilitated or replaced, in accordance with the City of Kingston Transition Plan. Incomplete, but warranted, pedestrian facility systems should be made complete and should have logical termini. Existing but unnecessary sidewalks may be eliminated. However, if they are left in place, they must be made accessible. In districts without sidewalks, a shoulder area meeting ADA 2010/ ADAAG accessibility requirements can be created. Any decision to remove an existing sidewalk must be approved by the City of Kingston Planning Board.

SIDEWALK TYPES

A. Sidewalks within the City of Kingston are to be constructed of one of two material types: concrete, and bluestone.

B. A local variety of stone, commonly known as "bluestone," shall, when at all practicable, be utilized as sidewalk paving material for new construction and retained where it presently exists in the following areas as enumerated in Chapter 405-63 of the general code. All bluestone sidewalk installation and repair shall adhere to the standards within this code. Applications for variance from these requirements shall be submitted to the Historic Landmarks Preservation Commission and the Superintendent of Public Works exercising the judgment as to where it is practicable, with review by the Mayor. Chapter, paragraph of historic landmarks code.

1. ~~The Stockade District being that area bounded by the intersections of Main Street, Green Street, North Front Street and Clinton Avenue.~~ The Stockade (Area) District of Kingston, consisting of eight blocks bounded by Clinton Avenue, Main Street, Green Street and North Front Street, together with protective perimeter.
2. The Rondout Landmark District.
3. The Fair Street Landmark District.
4. The Chestnut Street Historic District.
5. All those areas or individual properties that may be so designated presently or in the future as either a local landmark or a property listed on the State or National Historic Register.
6. In areas of the City that are not designated as landmark or historic districts and where there are long stretches of historic bluestone, reusing salvaged historic bluestone from the stretch itself or from the City's bluestone bank shall be considered where practicable.

A. The material for the primary path of travel on all new sidewalks within the City of Kingston and outside of the boundaries described in paragraphs B and C above shall be of concrete, and according to the standards of this code. Existing sidewalks to be repaired shall be repaired with concrete and according to the standards of this code.

If existing sidewalks are of a bluestone material, they may be repaired with bluestone that meets all standards set in this code. An application for a variance from these requirements, including for historic renovation, must be made to the Superintendent of Public Works, in consultation with the Planning Department and Historic Landmarks Preservation Commission.

- E. Sidewalk widths will conform to the convention and character of adjacent properties and the surrounding neighborhood or zoning district. All sidewalks are to meet ADA 2010 requirements for width, surface variation, curb ramps, detectable warning panels, and all other accommodations described therein.
1. An application for a variance from the minimum width guideline must be made to the planning board and include a site plan and narrative documenting the reasons for the request. Where the minimum recommended 5 foot width is not possible due to site conditions, a 4 foot width sidewalk may be installed subject to approval by the Planning Board, with minimum 5 foot square passing areas spaced no more than 200 linear feet apart, as per ADA 2010.
 2. If the sidewalk is greater than the 5 foot minimum width, alternate paving types such as brick or pavers may be utilized outside of the minimum width. Street furnishings such as bike racks, benches, or other amenities may also be placed within the sidewalk, provided a minimum clear width of 4 feet is maintained.

F. Any person, persons or corporation who violates any of the provisions of this article shall be subject to a penalty not exceeding \$50 per day from 30 days after notification of violation. This ~~which~~ penalty shall be recovered for the use of the ~~Mayor's Fund in a civil action brought in the name of the City of Kingston~~ Department of Public Works to fund sidewalk repairs within the City of Kingston.

CONSTRUCTION OF SIDEWALKS

Responsibility of owner to construct or replace.

- A. If any sidewalk is removed for excavating purposes or any purpose whatsoever, the corporation or person removing such sidewalk pursuant to a permit herein provided for shall relay such sidewalk in a workmanlike manner.
- B. Sidewalks shall be constructed in conjunction with all new construction or substantial redevelopment within the City of Kingston. All new sidewalks constructed within the City of Kingston shall be constructed by the owner of the adjoining property at the expense of said owner. Any replacement of an existing sidewalk shall be constructed by the owner of the adjoining property at the expense of said owner. This Article shall not apply to walkways or pass-through walks which do not run along streets but which lead from one street to another. Variance from these requirements may be obtained by submitting a proposed plan and narrative documenting the lack of pedestrian traffic and adjacency of existing sidewalks for review by the Planning Department.

C. Permit required; application, issuance and duration of permit:

No such sidewalk shall be constructed or work commenced until the owner of said premises shall have obtained a permit for the sidewalk. Applications for such permit shall be in person at the office of the Planning Department of the City of Kingston, New York, during regular office hours. The fee for such permit shall be \$35. Said permit shall be valid for 60 days from the date of final approval.

MATERIAL AND DESIGN SPECIFICATIONS

- A. Materials. All sidewalks shall be not less than five feet in width, except where repairs or replacements are meeting existing sidewalk conditions. Within the previously specified districts that require bluestone, all new sidewalks are to be paved using historically accurate bluestone paving, and any repair or reconstruction shall be made using historically accurate bluestone paving according to the standards within this code. In all other areas, new sidewalks shall be constructed of concrete or bluestone, according to the standards within this code or through written approval of a variance by the Superintendent of Public Works in consultation with the Historic Landmarks Commission.
- B. Americans with Disabilities Act. All sidewalks shall conform both in spirit and in form to all requirements of the American with Disabilities Act (ADA) and Proposed Public Right-of-Way Accessibility Guidelines (PROWAG) for Pedestrian Facilities. These requirements include but are not limited to:
1. Minimum sidewalk width for all new sidewalks to be 5 foot. Where the minimum recommended 5 foot width is not possible due to site conditions, a 4 foot width sidewalk may be installed with minimum 5 foot square passing areas spaced no more than 200 linear feet apart, as per ADA 2010.
 2. Curb ramps shall be installed at all locations prescribed in ADA 2010, and meet all requirements of the NYSDOT Highway Design Manual Chapter 18 whenever adjacent sidewalk or street construction is performed. Detectable warning panels meeting all relevant code requirements shall be installed in locations required by ADA 2010 and NYSDOT standards.
 3. All horizontal jointing to be a maximum of 1/4" in width.
 4. Any vertical variation to be a maximum of 1/4" in height, unless beveled. If beveled, this vertical measure may equal 1/2", as per ADA 2010 standards.
 5. The cross slope on the Pedestrian Access Route within a walkway shall not exceed 2%, even after application of construction tolerances.

Allowable applications for variance, for circumstances described in and meeting requirements for variance within ADA 2010, must be submitted in writing to the City of Kingston Planning Department and include a site plan and narrative describing the reason for the requested variance.

Bluestone Specifications

- A. All bluestone sidewalks within the city of Kingston shall be installed according to the standards within this code or through written approval of a variance by the Superintendent of Public Works in consultation with the City Engineer and Historic Landmarks Commission.
- B. An existing bluestone sidewalk slab shall be considered to be in satisfactory condition if it is:
 - 1. Free from structural defect (displaced cracks, delamination).
 - 2. Has surface imperfections that are no more than 1/4" vertical.
 - 3. Has a vertical alignment of no more than 1/4" difference at joint or adjoining slab.
 - 4. Has a horizontal center alignment of no more than 1" offset from centerline of sidewalk (except where sidewalk must pass obstruction such as a tree).
- C. Repair and/ or Replacement:
 - 1. Repair.
 - a. ~~If less than 59% of the length of a city sidewalk (measured as total length of city sidewalk abutting property) does not meet City of Kingston specifications, the defective section of sidewalk may be repaired without disturbance to the remaining sidewalk.~~ If less than 59% of the length of a city sidewalk (measured as total length of city sidewalk abutting property) does not meet City of Kingston specifications, the defective section of sidewalk may be repaired without disturbance to the remaining sidewalk.
 - b. The installation method (processed stone or concrete setting method) shall be determined based upon adjacent undisturbed bluestone panels. The installation method shall match the structural section of the adjacent undisturbed bluestone panels, provided that section meets the standards of this code. If the adjacent section does not meet the standards of this code, the bluestone shall be set on processed stone.
 - c. If bluestone paving was previously installed at a drive apron and is in need of repair, it shall be replaced by either concrete sidewalk or stamped concrete sidewalk as described in paragraph I below.
 - 2. Replacement.
 - a. If 60% or more of the length of a city sidewalk (measured as total length of city sidewalk abutting property) does not meet City of Kingston specifications, all bluestone slabs abutting the property shall be removed. Existing slabs

meeting the standards of this code may be re-set according to one of the acceptable methods outlined below.

- b. The property owner may choose which installation method (processed rock or concrete setting method) is used. If a contractor intends to reuse existing sub-base material, it shall be inspected for conformity to standards by the Department of Public Works. If the existing sub-base is found to be inadequate, it shall be removed in its entirety and replaced with new sub-base meeting all applicable NYSDOT standards as specified by the Department of Public Works.
- c. Existing or recycled slabs shall be inspected for conformity to standards. Slabs found to be inadequate and unsalvageable shall be removed from site.
- d. If bluestone paving was previously installed at a drive apron and is in need of replacement, it shall be replaced by either concrete sidewalk or stamped concrete sidewalk as described in paragraph I below.

3. Work Done by Others. If it becomes necessary for a contractor, utility company, or other entities not working directly at the request of a property owner, to disturb a sidewalk that is partially or fully constructed of bluestone, the repair procedure shall be as follows:

- a. If 50% or more of the length of the city sidewalk (measured as total length of city sidewalk abutting property) is constructed of bluestone, the disturbed sidewalk panel must be replaced with bluestone notwithstanding from which type of material the disturbed panel was originally constructed. The Superintendent of Public Works may waive this requirement at the written request of the property owner. The entity disturbing the sidewalk shall verify the replacement material with the property owner prior to repairing the disturbed slab(s).
 - b. If 49% or less of the length of the city sidewalk (measured as total length of city sidewalk abutting property) is constructed of bluestone, the disturbed panel may be replaced in kind. If the entity disturbs more than one slab along the frontage of the same property separated by 10 feet or less or along the frontage of the adjoining properties separated by 15 feet or less, all intervening slabs shall be repaired/replaced as well.
4. If bluestone slabs meeting the standards of this code are removed from a sidewalk for any reason and not reset in the sidewalk adjacent to the same property, those slabs shall be turned in to the City of Kingston Bluestone Bank, administered by the Department of Public Works.

D. New Bluestone Slab Specifications.

1. New bluestone slabs shall be free from structural defect (ie displaced cracks, delamination). Surface imperfections shall be no more than 1/4" vertical.
2. Installer shall submit documentation that all bluestone is of a minimum 19,000 psi dry compressive strength, has a non-slip finish on all exposed edges, and meets all requirements of NYSDOT standards for Bluestone Sidewalks.
3. Minimum slab width shall be 47.5" for a 4' wide sidewalk, and 59.5" for a 5' wide sidewalk. Minimum slab length shall be 23.5".

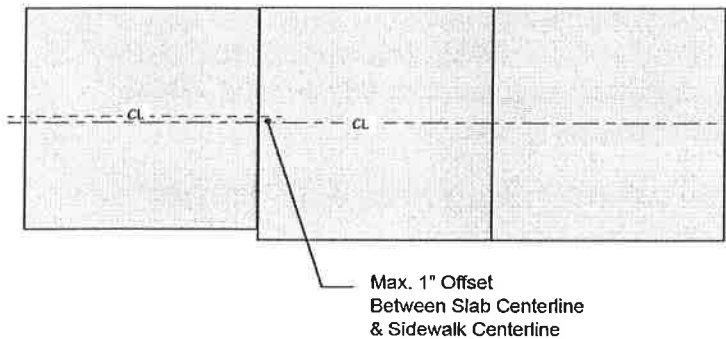
E. Reuse of Existing or Recycled Bluestone Slabs.

1. Reuse of existing slabs is permitted if the slabs are free from structural defect (ie displaced cracks, delamination). Reused slabs shall be of a minimum 2" thickness. Slabs shall have maximum surface imperfections of 1/4" vertical. Slabs shall be trimmed square if corners are broken.
2. Minimum size of reused slab shall be 24" x 47" for a 4' wide walk, 24" x 59" for a 5' wide walk.
3. High quality recycled bluestone slabs may be available from the City of Kingston Bluestone Bank. Contact the Department of Public Works for further information, including cost and availability.

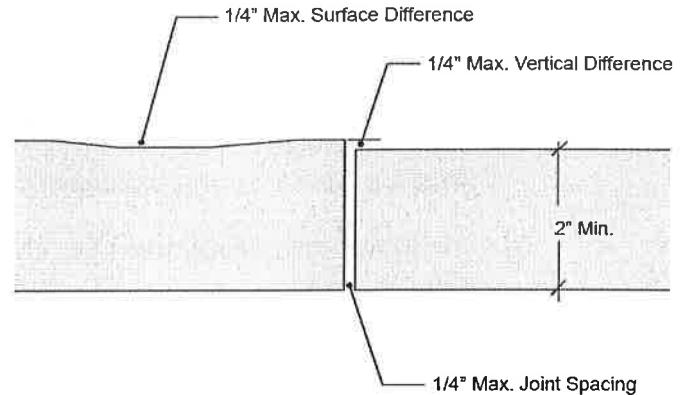
F. Slab Length. Bluestone slabs shall be a minimum 47.5" long (as measured along the curb). Re-used slabs must be minimum 36" long (as measured along curb). Smaller slabs (minimum 24" long) may be used sparingly as required when abutting a concrete sidewalk, apron or sidewalk ramp.

- G. Bluestone Sidewalk Alignment. Bluestone sidewalk slabs shall abut adjoining sidewalk slabs (bluestone or concrete) in such a manner that the vertical difference at the joint does not exceed $\frac{1}{4}$ ". The horizontal centerline alignment of bluestone sidewalks shall not deviate more than 1" from the centerline of the sidewalk. Maximum joint width shall be $\frac{1}{4}$ ". Sidewalks shall maintain a positive cross-pitch of 2%

Horizontal Alignment of Bluestone Sidewalk



Bluestone Spacing and Vertical Tolerances (Section View)



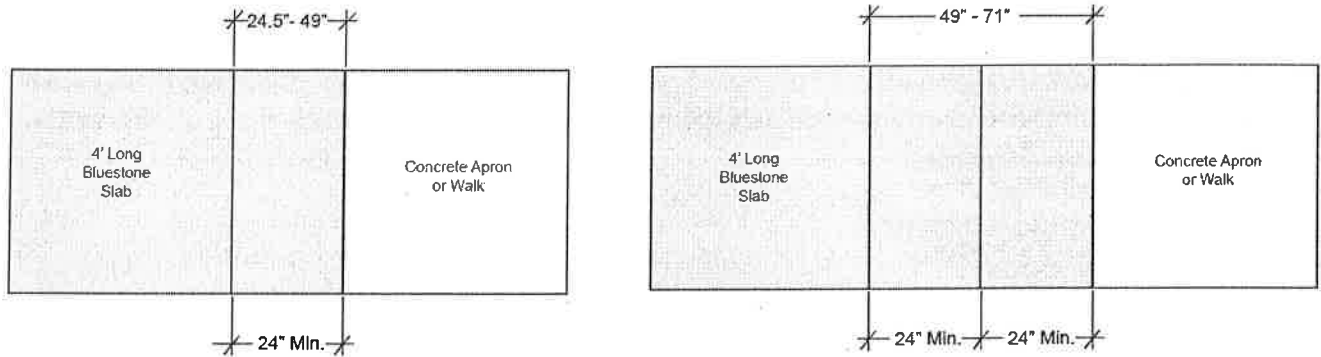
maximum (towards curb) across the width of the sidewalk.

- H. Installation Methods. The following base course options are available for repair or replacement of sidewalks. See "Tree Planting" section of this code for installation adjacent to new or existing trees.
1. Crushed Stone: Slabs to be set on minimum 8" thick, 2" crushed stone base with maximum 2" thick polymeric sand setting bed. Process crushed stone to be compacted in 6" lifts (95% compaction). Joints to be polymeric sand swept.
 2. Concrete Setting: All slabs are to be set on maximum 2" polymeric sand setting bed with 4" thick 4000 psi (at 28 days) fiber-reinforced concrete base with 2" diameter weeps 36" on center. Joints are to be polymeric sand swept. Reinforcing shall be synthetic, fibrillated fibers, specifically engineered and manufactured for use as concrete reinforcement meeting ASTM C1116. Concrete base shall be minimum 1" wider than bluestone sidewalk. Installation of concrete shall conform to all NYSDOT concrete construction specifications.
- I. While not required, stamped Concrete shall be acceptable paving for driveways, aprons, and curb ramps only within bluestone paving areas. Stamped concrete installation shall be regulated by the concrete sidewalk specifications and subject to approval of the Superintendent of Public Works.
1. At drive aprons, stamped concrete shall have 4'x4' or 5'x5' bluestone pattern, according to the dimensions of the adjacent sidewalk, bluestone coloring, and maximum surface imperfection of $\frac{1}{4}$ " vertical.

Proposed Sidewalk Standards for the City of Kingston, New York

10/20/2017 DRAFT

Slab Length Abutting Concrete Pavement



2. At curb ramps, stamped concrete bluestone pattern shall be a minimum of 24"x47.5" unless interrupted by a detectable warning panel.

J. Inspection Procedure. Contractor will request inspection as follows (Failure to follow the inspection procedure may result in rejection of the work):

1. Upon completion of excavation and installation of processed crushed stone base. If concrete setting method is used, contractor will request inspection after installation of concrete. Contractor must have new and reused bluestone on site at time of inspection. Quality, condition, size and thickness of bluestone will be subject to inspection. Processed crushed stone or concrete sub-base will be inspected for conformity to specifications.
2. Contractor will request a second inspection upon completion of work. This inspection will assess horizontal and vertical alignment of walkway, slab size and spacing, slab surface quality, backfilling, and cleanup. If sidewalk conforms to City of Kingston standards, applicable sidewalk notices (if any) will be lifted from subject property.
3. If processed crushed stone setting method is used, sidewalk will be subject to a third inspection following the first winter of exposure. Any slabs deemed not in compliance shall be repaired or replaced in accordance with these standards and subject to reinspection as specified.
4. The contractor shall coordinate all inspections with the Department of Public Works (DPW). The contractor shall give a minimum 48 hours notice for any inspection.

Concrete Specifications

- A. Concrete used in all sidewalks shall conform to the New York State Department of Transportation (NYSDOT) Standard Specifications Section 500, Portland Cement Concrete, and meet all applicable ADA standards. Where the NYSDOT Standard Specifications are unclear, or where the City of Kingston standards are more stringent, the following shall be met:

5. All sidewalks shall have a minimum strength of 4,000psi at 28 days, and be not less than four inches thick. Sidewalks crossing residential drives shall not be less than six inches thick through the width of such driveway. Sidewalks crossing commercial drives shall not be less than eight inches thick through the width of such driveway.
6. Expansion joints.
 - a. The individual blocks of the sidewalk shall not be over five feet in length. There shall be a one-fourth-inch (1/4") open expansion joint between each block of the sidewalk, or alternate blocks shall be poured without expansion joints.
 - b. As an alternative, sidewalks may have transverse construction joints of one-half-inch (1/2") premolded bituminous material to the full depth of the concrete and flush with the surface, spaced 20 feet apart. The top surface shall be scored at intervals of five feet so that the finished walk will be marked in squares both longitudinally and transversely.
3. Joints and edges must be finished with an edging tool of one-fourth-inch (1/4") radius. Premolded bituminous joint filler shall be placed between sidewalk and curb, other pavements, buildings, and any other fixed element.
7. Sidewalks shall have a mixture of not less than one part cement to two parts clean sand and four parts clean gravel or broken stone. Said coarse aggregate shall be both No. 1 and No. 2 crushed stone, meeting all NYSDOT guidelines. The proportions shall be such that there is a minimum strength of 4,000 pounds per square inch at 28 days.
8. Reinforcing shall be synthetic, fibrillated fibers, specifically engineered and manufactured for use as concrete reinforcement meeting ASTM C1116. As an alternate, welded wire fabric meeting all NYSDOT standards and ASTM A82 or ASTM A496 may be submitted for approval to the Superintendent of Public Works.
9. All sidewalks shall be struck off to grade and broom finished with a medium broom finish to ensure a non-slip surface. After the sidewalk is finished and the surface is hard, it shall be covered for at least two days to keep moisture in the sidewalk.
- B. The grade and location of any sidewalk shall be determined by the Superintendent of Public Works.
- C. The water used during the construction shall be free from oil, alkali, acid or vegetable matter.
- D. Ingredients of concrete shall be separately measured loose, in approved receptacles. The mixing of concrete, whether by machinery or by hand, shall be done in a

manner satisfactory to the Superintendent of Public Works and subject at all stages to his approval. Batchmaking only will be approved, and hand-mixing will be permitted only in case of necessity. A minimum of water, accurately measured, shall be used to give the necessary plasticity. After the materials are first wetted, the work must proceed without delay until the whole batch is in place. The mass in place will be carefully and thoroughly worked to expel air, fill voids and secure perfect and continuous contact with forms.

- E. Notice of work to be done; inspection. Notice of the work to be done, 24 hours in advance thereof and upon the completion of the new sidewalks, must be submitted to the Superintendent of Public Works, who may then inspect the completed work, which shall comply with all the specifications herein. The Superintendent must be given an opportunity to inspect periodically during the progress of the work.
- F. Assessment of cost of construction. The Council of the City of Kingston may, by resolution, require owners of adjoining property to construct sidewalks. If such owner shall not construct such sidewalk as required by the notice, the Council may cause the same to be constructed and assess the cost thereof on such adjoining land. All work done by the owners shall be done in accordance with the specifications made for sidewalk construction. All assessments shall be made and collected, and taxes levied, as provided by law.
- G. Penalties for offenses. Any person committing an offense against any provision of this Article shall be guilty of a violation punishable by a fine of \$100. The continuation of an offense against the provisions of this Article shall constitute, for each day the offense is continued, a separate and distinct offense hereunder.

SIDEWALK EXCAVATIONS AND BARRIERS

- A. Permits required. No excavation in the sidewalk areas, nor the blocking off of a portion of the sidewalks in the City of Kingston, shall be made for any purpose whatsoever without first obtaining from the ~~Mayor or the~~ Superintendent of Public Works a written permit for the making of such excavation or blocking off. Such permit shall specify the purpose for which the same is asked, the name of the corporation or person making application therefor and whether or not such corporation or person has duly filed a bond or certificate of insurance for public liability and property damage with the City Clerk, holding the city harmless in case of accident. Such permit shall be valid for a period of not more than 15 days after date of issuance of the same, after which time said permit shall lapse and become null and void. If the work for which such certificate is issued is not completed within said period of 15 days, the corporation or person doing such work may apply for a renewal of said permit, and the ~~Mayor or the~~ Superintendent of Public Works may grant such renewal, subject to the same limitations and conditions in obtaining the issuance of the original permit.
- B. Applications and fees. Application for such permit must be made in person at the office of the ~~Mayor in~~ Superintendent of Public Works the City of Kingston, New York, during regular office hours. The fee for such permit shall be \$35.

- C. Safety precautions; liability. All excavations or blocked-off areas must be adequately protected by appropriate guards; in the event that the corporation or person granted such permit shall block off the entire sidewalk area, a temporary sidewalk to safeguard pedestrian traffic shall be barricaded off; the area affected must be adequately illuminated at night. The corporation or person granted such permit shall be responsible for all claims for damages resulting from any cause connected with such excavation or blocking off.
- D. Posting of sign card. The corporation or person granted a permit herein provided for must cause to be placed in a conspicuous spot at the excavation or blocked-off area a sign card which will be issued to him by the Mayor-Superintendent of Public Works at the time of the issuance of the permit. This sign card must not be removed from the place of excavation or blocked-off area until the work is completed.

STREET OPENINGS

- A. Permit required.

No cut or break shall be made in the pavement or street surface and no trench or excavation shall be dug for any purpose in any improved street in the City of Kingston without obtaining from the Board or the Superintendent of Public Works a written permit for the making of such cut or excavation, which permit shall specify the purpose for which the permit is asked and the name of the corporation, person or property owner making application therefor. The fee for such permit shall be \$150.

- E. Commencement of work; notice; safety; bond; liability.

The applicant shall give the Superintendent of Public Works 24 hours' notice of the time such work is to be commenced, unless such notice is waived by said Superintendent, in writing. All trenches must be properly protected by the necessary guards, sheathing and bracing, and must also be protected by the necessary lights at night, and the person, corporation, firm or co-partnership granted such permit shall be responsible for all claims for damages resulting from any cause connected with the making of such cut, trench or excavation and, before the commencement of the work, shall furnish the city a good and sufficient bond of indemnity with surety in the sum of \$5,000, to be approved by the Mayor-Superintendent of Public Works, indemnifying the city against any and all claims, demands, actions or causes of action in any way connected with or growing out of the making of such cut, trench or excavation.

- C. Notice; restoration of surface; costs.

Immediate notice of the commencement of the work for which the permit is given shall be given to the Superintendent of Public Works. The refilling of such cut, trench or excavation and the relaying of the pavement over the same shall be done by the Superintendent of Public Works, and the cost thereof as certified to by him shall be paid by the persons granted such permit. If such work is done for the purpose of making any house connections, the cost of refilling such trench and relaying such pavement shall be a lien against the property so connected and may be collected in the same manner as special

assessments, as provided by Chapter 611 of the Laws of 1915, and all acts amendatory thereof.

D. Penalties for offenses.

Any person violating this article shall be deemed guilty of a misdemeanor.

TREE PLANTING AT SIDEWALKS

Definitions

1. **TREE PIT (TREE LAWN).** A minimum three foot by three foot existing planting pit whose surface may be mulched or covered by a tree grate. In these standards the terms 'tree pit' and 'tree lawn' are synonymous. New tree pits will have minimum dimensions of 4 feet by 5 feet by 3 feet (LxWxH).
2. **TRAINING.** Will constitute the following: International Society of Arboriculture (ISA) certified arborist or other equivalent professional certification, Attendance at a workshop sponsored by Cornell Cooperative Extension, NYS Department of Environmental Conservation (DEC), U.S. Forest Service (USFS) or equivalent covering tree planting, pruning, and basic tree care.
3. **BARE ROOT PLANTING.** Shade tree roots are found primarily in the top 12 inches of soil. Tiny absorbing roots, responsible for most of the tree's intake of water and nutrients, are in the top several inches of soil and can grow horizontally for quite a distance. Bare root shipping saves these roots and protects them with hydrogel. It allows the shipping of trees for less cost, with much less weight.
4. **CALIPER.** Diameter or trunk, 6 inches above the root flare.
5. **STRUCTURAL SOIL.** A mixture of crushed gravel, soil, and clay. The soil allows roots to grow by transferring compactive load from stone to stone with the soil in-between remaining uncompacted. The clay content serves to retain moisture.
6. **DRAINAGE.** Drainage is the water that has passed through the surface of the permeable paving or soil pit, and has either overflowed or has been recollected in underdrain pipes. The excess water discharges to the storm sewer network.
7. **GIRDLING ROOTS.** Roots that circle the main stem that are, or will in the future, encircle the tree as it grows larger. Girdling roots limit root infrastructure, leading to tree instability.
8. **PERCOLATION.** The rate at which stormwater moves through (drains) a soil or particular location.
9. **PERMEABLE CONCRETE.** Permeable concrete is a mixture of Portland cement, fly ash, washed gravel and water. The water to cementitious material ratio is typically 0.35 – 0.45 to 1 (NRMCA, 2004). Permeable concrete has greater void space than traditional concrete, allowing water to infiltrate directly through the pavement surface to the subsurface.

10. PLANTING SOIL. Mixed soil for use in planting trees. Planting soil shall be created from combinations of existing soil, soil loam, sand and organic matter.
 11. COMPOST. A mixture of organic matter, as from leaves, bark, manure, food waste, etc. that has decayed or has been digested by organisms. Used to improve soil structure and provide nutrients. Good compost should be dark brown to black, the color of 70% cocoa dark chocolate. Individual pieces in the compost, when broken apart, should be the same color inside as outside.
- A. Location of trees along sidewalks. A tree shall not be planted (or replanted) unless a minimum approvable pedestrian travel width of 4 feet adjacent to the tree is available, allowing for a minimum 3 foot by 5 foot planting pit. Trees should be spaced approximately 30 feet apart, and approximately 15 feet from any hydrant, utility pole, light pole, or other infrastructure, whenever practicable.
 - B. Tree species and sizes to be used along sidewalks: see Tree Commission guidelines for species, size to be no greater than 2.5" caliper. Recommend bare root trees when practicable. Trees shall be obtained from a licensed nursery and shall be in good health, free from structural flaws and girdling roots.
 - C. Repairs to sidewalks in cases of upheaval due to tree roots. In all cases in which a sidewalk has heaved due to tree roots, prior approval for any work shall be obtained from the City of Kingston Tree Commission.
 - D. Planting trees along sidewalks. Two key ways to prevent sidewalk damage, reduce maintenance requirements, and maintain tree health are; to increase available space for roots, and encourage healthy root structure. The following requirements address these issues for the long-term benefit of Kingston's streetscapes. For additional proper tree planting specifications, go to Chapter 373 Municipal Street Tree Ordinance of the City of Kingston.
1. For placement of trees in existing tree pits or tree lawn, the following Virginia Tech Soil Profile Rebuilding Method should be used to break up compacted soil.
 - a. Mix in four (4) inches of compost to a depth of two (2) feet.
 - b. Apply four (4) inches of topsoil and mix in to a depth of six to eight inches, topsoil shall have a minimum of 3 percent organic matter.
 - c. Plant tree in a three times the width and 1.5 times the depth of the roots of the tree.
 - d. Rootball shall be planted on un-excavated or tamped soil to prevent settlement. Root flare shall be aligned with finish grade.
 2. Percolation tests shall be performed on a minimum of 10% of tree pits (lawns) or at least one representative planting site for a particular project, or on any areas of questionable drainage as required by a City Forester or Arborist, or other qual-

ified and properly trained City representative. If the percolation rate is found to be less than 2 inches per hour, soil rebuilding or special drainage such as under drains may be necessary, to be determined through consultation with the City of Kingston Tree Commission.

3. Where tree pits are installed in heavy pedestrian traffic areas or along sidewalk segments with reduced width, tree grates or other surfacing over tree pits may be necessary or desirable. Any tree grate or other surfacing material to be installed over a tree pit along a sidewalk shall be submitted to the Kingston Tree Commission and the Superintendent of Public Works for approval.
 - a. Tree grates shall be designed to withstand a minimum of Class B, Medium Duty loading, and shall have a minimum center opening of 18 inches by 18 inches.
 - b. Porous paving solutions such as FlexiPave or an equal alternative may be proposed in lieu of a tree grate, subject to the approval of the Superintendent of Public Works and the Planning Department.
4. Site furnishings for tree protection such as tree fences, guards, or other barriers must be approved by the Planning Department and the Tree Commission prior to installation.
5. In locations where tree pits or a narrow tree lawn exists between the sidewalk and the street with adjacent private green space nearby, and an existing tree is replaced due to sidewalk damage, or a new tree is planted concurrent with sidewalk replacement; two sidewalk slabs, each typically 4 feet by 5 feet (to 5 feet X 5 feet) in size, shall be removed, and no less than a 30 inch depth of structural soil as defined above placed under the replaced sidewalk slabs. Applications for variance from these standards may be submitted for review to the City of Kingston Tree Commission in consultation with the Superintendent of Public Works.
 - a. Where practicable, permeable concrete shall be utilized as the sidewalk material for the replacement slabs.
 - b. Seams between bluestone slabs and non-porous concrete should be as tight as possible and sealed against water entry in order to discourage surface roots.
 - c. Under special circumstances, a minimum of one 5 foot x 5 foot slab with 36 inches of underlying structural soil as defined above may be approved. Any requests for such approval shall be made to the Superintendent of Public Works.
6. In areas of newly constructed concrete sidewalk with existing adjacent trees or that will have newly planted trees, permeable concrete pavement shall be used where practicable, for a minimum of 5 linear feet in each direction from the cen-

ter of the tree. Applications for variance from this standard may be submitted for review to the City of Kingston Tree Commission in consultation with the Superintendent of Public Works.

- a. Permeable concrete is a mixture of Portland cement, fly ash, washed gravel and water. The water to cementitious material ratio is typically 0.35 – 0.45 to 1 (National Ready-Mix Concrete Association (NRMCA), 2004). A fine washed gravel, less than 13 mm in size (No 8 or 89 stone) is added to the concrete mixture to increase the void space. All permeable concrete pavement to be laid at a minimum 4" thickness, with 20 - 25% void structure.
 1. All permeable concrete to be used in sidewalk applications in the City of Kingston, shall meet ASTM C1688. A design mix reviewed and stamped by a licensed Professional Engineer attesting to such shall be submitted to the Superintendent of Public Works prior to construction.
 2. Permeable concrete may be poured on site or precast modular permeable concrete such as Stormcrete (or equal) may be used. In areas outside of the minimum 5' sidewalk width, modular paver systems such as Pavedrain (or equal) may be installed. The design mix for any permeable concrete material to be poured on site and/ or product information regarding pre-cast materials must be submitted to the Superintendent of Public Works for approval prior to construction.
 3. All permeable concrete shall be placed on a minimum 30 inch depth of structural soil or other free-draining material as recommended by NYSDOT and approved by the Superintendent of Public Works.
 4. After installation, permeable concrete shall be tested according to ASTM C1701-09 for permeability.
- b. All areas of new sidewalk adjacent to new or existing trees shall, where practicable, have a minimum volume of 75 cubic feet of planting soil and 375 cubic feet of structural soil placed as the base at a minimum 30" depth. Appeals for variance from these depth and volume requirements may be granted by the City of Kingston Tree Commission.
 1. NYSDOT Item 610.14000011-Structural Soil Mix.
 - a. Mix by dry weight to be 80% washed 2" stone, 20% soil. The soil shall be clay loam containing at least 20% clay to maximize water and nutrient holding capacity with a small amount of hydrogel to aid uniform blending of the two materials.
 - b. Submit mix prior to installation for approval by the Department of Public Works.
 - c. A list of vendors of the above soil type can be obtained from the City of Kingston Department of Public Works.

2. Planting soil shall be created from combinations of existing soil, soil loam, sand and organic matter. All organic matter contents shall be determined on a dry weight basis. Final soil blend should have a pH between 5.5 and 7.5. To be mixed mechanically or by hand in the following proportions:
 - Medium to coarse sand: 70% by weight
 - Organic matter: 5-8% by weight
 - Silt and clay 20-40% by weight. Silt content must be less than 3X clay content.

PERMISSIBLE USE

- A. Coasting on sidewalks and certain streets. It shall not be lawful for any person or persons to coast or ride downhill on sleds or sledges on any of the sidewalks in the City of Kingston. ~~said city, or on the roadway of the following streets, to wit: Abeel Street, Abruyn Street, Burnett Street, Chestnut Street, Hasbrouck Avenue, Livingston Street, Pierpont Street, Lucas Avenue, Ravine Street, Rodgers Street, Meadow Street, Union Street, Union Avenue, Wall Street, Wurts Street, Wilbur Avenue or any other street on which such coasting may be dangerous or may interfere with the public travel or prove an annoyance to the residents on such street, and such streets as the Committee on Streets of said city may from time to time include in the provisions of this section.~~
- B. ~~Animals~~ Livestock on sidewalks; hitching as obstruction. No person or persons shall ride, drive or lead any horse, mule, cow or any other animal livestock upon any of the sidewalks of said city except to cross the same to enter a yard or lot; nor shall any person tie or hitch any horse, mule or other animal in such manner as to obstruct any of the sidewalks in said city.

~~Vehicles on sidewalks. No person or persons shall drive, back or in any manner place any cart, wagon, sleigh or any other vehicle upon any of the sidewalks of said city except to cross the same for the purpose of entering a yard or lot or for the purpose of loading or unloading such cart, wagon, sleigh or other vehicle.~~
- C. Penalties for offenses. Any person or persons violating the provisions of the foregoing sections shall be deemed disorderly persons, under and by virtue of the provisions of the Charter of said city, and shall incur a of \$5 for each and every offense.
- D. Vehicles on sidewalks. No person shall ride, drive or operate any vehicle, bicycle, skateboard, or other device along any public sidewalk or footpath intended for the use of pedestrians. This section shall not apply to children 10 years of age or under nor to invalids or handicapped persons who cannot walk.
- E. Parking between curbs and sidewalks restricted. No person shall park any vehicle between the curb and sidewalk on any street in the City of Kingston. ~~unless he or she is the owner of property in front of which said vehicle is parked, or unless he or she have permission from the owner to park said vehicle on such City-owned property.~~

- F. Parking on sidewalks prohibited. No person shall park any vehicle on any City owned sidewalk. A vehicle in violation of this prohibition may be subject to towing and storage at the owners expense if not removed within twenty-four hours.
- G. Penalties for offenses. Any person found violating the above sections D through F shall be fined a minimum of \$50 for each offense.

Use of skateboards:

- 1. ~~Restrictions. Operation of any skateboard is hereby prohibited within the roadways and on the pedestrian sidewalks in the entire area bounded by the following streets: From the intersection of Clinton Avenue and Pearl Street northwesterly on Clinton Avenue to North Front Street, westerly on North Front Street to Green Street, southeasterly on Green Street to Pearl Street, easterly on Pearl Street to Clinton Avenue, including the Up-town Parking Garage.~~
- 2. ~~Penalties for offenses. Any person found violating the above section shall have their skateboard immediately impounded. The skateboard will be returned to the rider at the Kingston Police Department upon the appearance of the rider, if said rider is 18 years or older. If said rider is under the age of 18 years, said rider shall be accompanied by his or her parent or guardian. Upon the return of the skateboard to the rider, said rider or his or her parent or guardian shall pay a redemption fee of \$25 to the Kingston Police Department.~~

PROJECTIONS AND OBSTRUCTIONS

Definitions

As used in this article, the following terms shall have the meanings indicated:

- 1. CITY PROPERTY. Any real property in title of the City of Kingston or State of New York, including, but not limited to, roadways, sidewalks and medians.
 - 2. SANDWICH SIGN. Any sign which stands independent of any means of support other than its own structure located on city property for the purpose of advertisement and information.
 - 3. SIDEWALKS. The distance from the property line of any premises to the curblin.
- A. No permanent building or other structure shall be erected wholly or partly in or over any street or sidewalk unless the consent and permission of the Planning Board and the Mayor of the City of Kingston shall first be obtained.
 - F. Consent or permission for such erection or construction shall not be granted until the party seeking such consent or permission shall have filed with the City Clerk of the City of Kingston a policy of liability insurance naming the City of Kingston as a named insured and covering the section of the street or sidewalk affected and protecting the City of Kingston against liability for damages caused by personal injuries to persons using said street or side-

walk in the amount of \$1,000,000 personal injury liability and \$500,000 property damage coverage.

G. Persons seeking such permission shall maintain such liability coverage protecting the City of Kingston so long as the erection or structure is in existence. Failure to maintain such coverage shall result in an automatic revocation of such permission.

H. Awnings.

1. All awnings hung or suspended over any sidewalk shall be suspended in a safe and secure manner, and shall be so hung that the lowest part thereof shall be at least seven feet from the level of the ground.

O. Signs, placards and other devices, including temporary structures.

1. No sign, placard or other device shall be placed on or suspended over any street, sidewalk or other city property, without a permit issued by the Mayor of the City of Kingston or the Superintendent of Public Works and any sign suspended from any building or otherwise shall be at least 10 feet from the level of the ground at its lowest point and shall be suspended in a safe and secure manner and shall further comply with all provisions of this section and of this Code.
2. Size, location and aesthetics of signs.
 - a. Size. The entire sign, including face and structure, cannot exceed a height of four feet and cannot exceed a width of three feet. If the sign is such that an angle exists at the top of the sign, the depth of such a sign may not exceed two feet.
 - b. Location. If granted a permit pursuant to the provisions herein, signs subject to this section will be located on city sidewalks on city medians within 1,200 feet from the business and the exact placement will be determined by the Department of Public Works. A minimum distance of 10 feet must exist between each sign. Placement of sign must not interfere with visibility of traffic or hinder any rights-of-way.
 - c. Maintenance. The owner of any sign subject to this provision is responsible for the upkeep and maintenance of each sign for which a permit is issued. If the owner fails to maintain the sign and, in the discretion of the Mayor, the sign is unsightly or dangerous to the public welfare, the owner will be given notice by first class mail to the address of the owner listed on the application to cure any defect and will have seven days from said notice to do so. If the owner fails to correct any defects, the sign will be removed and the permit revoked. The City of Kingston is in no way responsible for maintaining signs.

SIDEWALK CAFES AND OUTDOOR SEATING FOR FOOD AND DRINK

§ 346-1. Purposes.

The sidewalk cafecafé/outdoor seating regulations as established in this chapter are designed to allow sidewalk cafes/outdoor seating on private and public property in locations where they are determined to be appropriate by the City and to promote and protect the public health, safety, general welfare and amenity. These general goals include, among others, the following specific purposes:

- A. To provide adequate space for pedestrians on the sidewalk adjacent to the sidewalk cafes, and to insure access to adjacent commercial and retail uses.
- B. To promote sidewalk cafes/outdoor seating as useful and properly planned visual amenities which better relate to the streetscape.
- C. To promote the desirable use of land and buildings and thereby protect the City's tax revenue.

§ 346-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

SIDEWALK CAFE — An outdoor dining area, located on a private ~~sidewalk~~ or public property, which is public through dedication or easement, or public right-of-way that provides waiter or waitress service and contains readily removable tables, chairs, railings and may contain planters. It is otherwise unenclosed by fixed walls and open to the air, except that it may have a retractable awning or umbrellas, or other nonpermanent covers.

§ 346-3. General regulations.

- A. No sidewalk ~~cafecafé~~/outdoor seating shall operate in the City of Kingston without a license issued in accordance with this chapter.
- B. The City of Kingston Fire Department is authorized to issue a license to operate a sidewalk ~~cafecafé~~/outdoor seating on private property or on public property, provided that the standards set forth in this chapter and all requirements of the Americans with Disabilities Act guidelines have been complied with by the occupant.
- C. A license to operate a sidewalk ~~café~~/outdoor seating shall be issued only to the owner of the business which operates the proposed cafe. Sidewalk ~~cafecafé~~/outdoor seating licenses are nontransferable. In the event of a change in ownership of a business which operates a sidewalk ~~cafecafé~~/outdoor seating, a new license must be obtained prior to continued operation of the sidewalk cafe. Licenses to operate sidewalk cafes/outdoor seating shall be for a renewable term of two years.
- E. A nonrefundable application fee in an amount as set forth in the fee schedule to be established by resolution of the Common Council of this City¹ shall be charged. [Amended 9-2-2014 by L.L. No. 2-2014, approved 9-11-2014]
- G. Prior to the issuance of a license to operate a ~~sidewalk café/outdoor seating~~ sidewalk café/outdoor seating, the applicant shall file, with the Chief of the City of Kingston Fire Department, an agreement to indemnify and save harmless the City of Kingston, its officers and employees against any loss or liability or damage, including expenses and costs for bodily injury, and for property damage sustained by any person as a result of the applicant's operation of a sidewalk ~~cafecafé~~/outdoor seating.

H. Prior to the issuance of a license to operate a sidewalk cafecafé/outdoor seating, the applicant shall also file with the Chief of the Kingston Fire Department a certificate of insurance demonstrating that the applicant has a satisfactory amount of public liability, property and workers compensation insurance as set forth in Schedule A,2 and naming the city as coinsured for such insurance covering the operation of a sidewalk café/outdoor seating.

I. The operator of a sidewalk cafecafé/outdoor seating must provide proof of insurance set forth in Subsection H to the Chief of the Kingston Fire Department on or before January 1 of each calendar year.

J. The operator of a sidewalk cafecafé/outdoor seating must submit a site plan to the Chief of the Kingston Fire Department, on a form developed by the Chief of the Kingston Fire Department and the City Planning Department. The operator must provide such information as requested by the Chief of the Kingston Fire Department, including but not limited to the number of proposed tables, the linear square footage of the proposed outdoor cafe and a map showing the design and location of all temporary structures such as retractable awnings, planters, landscaping, tables, chairs, umbrellas and other equipment, as well as lighting and electrical outlet locations. The owner must also indicate whether alcoholic beverages will be prepared and/or served within the proposed sidewalk cafe.

K. In the event that the sidewalk cafecafé/outdoor seating will be operating in a rental space, the operator must submit with the site plan a written consent from the owner of the property.

~~L. The Chief of the Kingston Fire Department shall distribute copies of the site plan to the Chief of the Kingston Police Department, Superintendent of Public Works and the City Planner for review and comments in relation to compliance with this chapter. If a retractable awning or signage is proposed, then the Building Safety Division of the Kingston Fire Department shall have jurisdiction over this part of the plan and shall require the applicant to comply with the provisions of the New York State Uniform Fire Safety and Building Code and Chapter 355 of the Code of the City of Kingston with respect thereto.~~

~~M. Based upon the review comments as listed above, the Chief of the Kingston Fire Department may issue the license approving the site development plan as submitted or with modifications or any conditions he deems necessary to implement the intent of this chapter.~~

2. Editor's Note: Schedule A is on file in the City offices.

N. If the Chief of the Kingston Fire Department disapproves the site development plan or determines not to issue the license, he shall state his reason for his determination in a letter to the applicant. The applicant may then petition the Common Council to be heard.

Proposed Sidewalk Standards for the City of Kingston, New York
1-24-2017 DRAFT

O. Sidewalk cafes/outdoor seating shall close operation by 12:30 a.m. on Monday through Thursday mornings and by 2:00 a.m. on Friday, Saturday and Sunday mornings. Notwithstanding the above, hours of operation of a sidewalk cafe permit may be restricted as necessary by the Chief of the Kingston Fire Department.

P. Licenses to operate sidewalk cafes shall not be granted absent proof that the operator has set aside a minimum of 4836 inches of clear distance, exclusive of the area occupied by the sidewalk cafe, free of all obstructions (such as trees, parking meters, utility poles, etc.) in order to allow adequate pedestrian and/or wheelchair movement.

Q. The applicant shall be responsible for delineating the cafecafé/outdoor seating area by setting up a barrier such as planters or a railing to physically separate patrons from pedestrian traffic.

R. No structure or enclosure to accommodate the storage of accumulated garbage may be erected or placed adjacent to or separate from the sidewalk cafe on public property.

S. A sidewalk cafecafé/outdoor seating shall not interfere with any public service facility, including, but not limited to bus stops; lampposts, lighting fixtures, mailboxes, public benches, or telephones located on the sidewalk.

T. Furnishings of all sidewalk cafes/outdoor seating shall be readily removable, including but not limited to all lights, tables, railings, heaters and umbrellas. Furnishings may not be attached to the sidewalk or to any other public property, either in a permanent or temporary manner.

U. Operation of a sidewalk cafecafé/outdoor seating shall not adversely impact on adjacent or nearby residential, religious, educational or commercial properties, and shall be in accordance with all applicable codes and regulations.

V. All electrical wiring and fixtures associated with or part of the sidewalk cafecafé/outdoor seating shall be installed by a licensed electrician and shall be in conformance with all applicable City ordinances.

W. Sidewalk cafes/outdoor seating and the public property on which they are located shall be kept neat and clean at all times and free from any substance that may damage the sidewalk or cause pedestrian injury.

X. The drinking of alcoholic beverages by a member of the public while a patron at a sidewalk cafecafé/outdoor seating, within the confines of the sidewalk cafecafé/outdoor seating area, shall not be construed as a violation of any ordinance controlling open containers in a public area. The operator of the sidewalk cafecafé/outdoor seating shall take whatever steps are necessary to procure the appropriate license from the state liquor authority if he intends to serve alcoholic beverages in the sidewalk cafecafé/outdoor seating area and shall comply with all other laws and regulations concerning the serving of alcoholic beverages in this state.

Y. The sidewalk ~~cafecafé~~café/outdoor seating permit must be prominently displayed by the permit holder in a publicly visible location.

§ 346-4. Penalties for offenses.

Any person who shall violate any of the provisions of this chapter shall be liable to prosecution in the City court and/or any court of competent jurisdiction and shall, upon conviction thereof, be liable for a fine of up to \$250. Each and every day such violation continues shall be deemed a separate violation.

§ 346-5. Revocation for cause.

Any license granted under the provisions of this chapter may be suspended or revoked by the Chief of the Kingston Fire Department for cause. The licensee may request a hearing before the Chief of the Kingston Fire Department or his designee within five days of receipt of notice of suspension or revocation. Any such hearing shall be held after reasonable written notice by the Chief of the Kingston Fire Department to the licensee of the violations, and the licensee shall have the right to be represented by counsel, present evidence on his or her behalf and confront the evidence against him. Cause for revocation or suspension of a temporary license shall be any condition that may endanger the health and safety of the public.

MAINTENANCE

- A. Snow and ice removal. Each and every owner or owners, and/or occupant or occupants of land abutting on a street within the city, every agent of any nonresident owner of such land within the city, and every person or persons having charge of any church or public building situated upon any such land within the city, at times during the season of frost and snow:
1. Shall keep the sidewalk and gutters in front of their respective properties free from snow and ice whenever the same can be kept free of the same.
 2. Whenever said sidewalk cannot be kept free from snow and ice as aforesaid by reason of the intensity of the frost, the same shall be kept strewn with ashes, sand or other materials in such manner as to enable persons to walk thereon with safety.
 3. Shall remove the snow and ice from their sidewalks as aforesaid within 12 hours after each and every snowstorm has abated; and at any time within said period of 12 hours, upon service of a written order or notice of the Superintendent or designee or of any police officer of the city to that effect.
- B. Cleaning of sidewalks.
1. Each and every such owner, occupant and agent of any such land within the City shall keep the sidewalks in front of such respective land free from all obstructions. Including overgrown vegetation, accumulations of dirt, and from all matter and substances which will obstruct the same or make the same unsafe for pedestrians. The cost for the City to clear sidewalks of overgrown vegetation, dirt, and from all matter and substances

which will obstruct the same or make them unsafe for pedestrians shall be the actual cost to the City of remedying such sidewalks, plus a sum equal to 5% of such actual cost for inspection and other additional costs in connection therewith. ~~set at \$100.~~ An invoice will be sent to any owner of such property abutting said sidewalk, and, if it becomes necessary, the cost will be added to the tax bill of such owners.

2. For all maintenance concerns regarding street trees, including pruning, reference the City of Kingston code Chapter 373: Trees.
3. In the event that any owner, occupant and/or agent of any such land within the City shall fail to comply with the provisions of this article, the City may, at its discretion, contract for the removal of snow and ice. The cost for the City to remove any ice or snow which will obstruct the same or make it unsafe for pedestrians shall be the actual cost to the City of remedying such sidewalks, plus a sum equal to 5% of such actual cost for inspection and other additional costs in connection therewith. ~~set at \$100.~~ If it becomes necessary for the City to contract out for said removal of snow and ice, the cost shall be added to the tax bill of the abutting property owner for the removal of the snow and ice.
4. Cleaning of gutters. Each and every such owner, occupant and agent of any such land within the city shall keep the gutters in front of such respective land free from all accumulations of dirt and from all matter and substances which will obstruct the free flow of water through and along said gutters.

C. Construction, repair and relaying sidewalks by owners.

1. It shall be the duty of any person or persons owning real property abutting any City street upon which there are City sidewalks to maintain said sidewalks in a reasonably safe condition.
2. The owner of such real property shall maintain, repair, and/or replace any sidewalks which have become deteriorated, uneven or broken up. The Department of Public Works shall have the discretion to determine if such sidewalks need to be repaired or replaced and, if so, shall determine the materials to be used to remedy the condition.
3. If the provisions of Subsections 1 and 2 are not complied with, the Department of Public Works, or designee, may serve written notice to comply with the provisions of said subsections upon the owner of such property. The Alderman in whose ward such sidewalks are located shall also receive a copy of the written notice to comply.
4. Such notice shall be mailed by certified mail, return receipt requested, to such owner, at his/her last known address. Such notice shall require compliance with the provisions of said Subsections 1 and 2 within thirty (30) days after the time of posting of such notice as aforesaid.

5. If the person upon whom such notice is served fails, neglects or refuses to repair or replace said sidewalks within 30 days after the date of mailing of such notice as aforesaid, the Department of Public Works shall cause such sidewalks to be repaired/ replaced.
 - a. The Superintendent of Public Works shall have the authority to construct or repair, wholly or partly at owner's expense, sidewalks, curbs and gutters adjoining said owner's land, or to remove snow, ice or debris from sidewalks adjoining said owner's land or to remove roots from under sidewalks adjoining said owner's lands. The Superintendent of Public Works shall also have the authority to contract such work and prescribe the manner and the materials to be used therein.
6. Work performed by the City of Kingston upon notice; assessment of costs.
 1. If the owner shall fail to properly complete necessary work or agree to a repair plan authorized by the Planning Department within 30 days of notice, the Superintendent of Public Works may cause the same to be so constructed, repaired or removed, and the cost thereof shall be assessed upon the adjoining land in the same manner as other special assessments of the City may be assessed upon landowners.
 2. The actual cost to the City of repairing and/or replacing such sidewalks, plus a sum equal to 5% of such actual cost for inspection and other additional costs in connection therewith, shall be certified by the Superintendent of Public Works and/or his designee to the City Comptroller. The total amount thereof shall be added to and become a part of the next annual assessment roll at the time and in the manner prescribed by the Charter of the City and subject to all the provisions thereof.
 3. Any charges assessed shall be paid within a 3 year time period unless other arrangements are made with the City Comptroller. Charges not paid within stated 3 year time shall become and be a lien upon the property on which such sidewalks abut.
7. Any property owner who fails to remove snow and/or ice from sidewalks adjoining his property within 12 hours after a snowfall and any person who throws, shovels, plows or places snow or ice onto a public street, highway or right-of-way shall be guilty of a violation and subject to a minimum fine of \$70.